

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

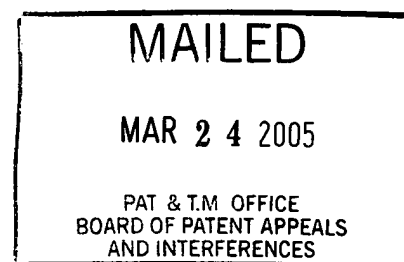
Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL E. WEBBER

Appeal No. 2005-0735
Application 10/014,977



ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH, Administrative Patent Judge, and NASE, Administrative Patent Judge.

Per curiam.

On February 23, 2005, counsel for the appellant filed a Request for Continued Examination (RCE) under 37 CFR § 1.114 (Paper No. 32). Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."


Appeal No. 2005-0735
Application 10/014,977

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.


GARY V. HARKCOM, Acting Chief
Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge


JEFFREY V. NASE
Administrative Patent Judge

)
)
)
)
) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)
)
)
)

GVH:tdl

Appeal No. 2005-0735
Application No. 10/014,977

Jones Day
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025